

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES

September 18, 2008

SUBJECT: **Tualatin River Protection** permit to construct small addition to house within in the Tualatin River Protection Zone at 963 Willamette Falls Drive.

ATTENDEES: Applicant: Wally Forman, Steve Nys
 Staff: Peter Spir (Planning)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any “follow-up” items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

The proposal is to construct a 964 square foot addition at the west side of their house at 963 Willamette Falls Drive. The improvements would not extend closer to the river than the existing built area, which is 95 feet from the river

A Tualatin River Protection permit is required since the improvements are within 150 feet of the Tualatin River’s ordinary low water mark, which is the trigger for a permit under CDC 29.020(D).

The applicant is required to meet the approval criteria of CDC 29.060. That section requires that the setback standards of 29.070 are satisfied. Staff finds that the additions are at or above the 115-foot elevation. The 100-year floodplain is 93 feet per the latest FEMA flood maps. The 1996 flood boundary is at 93 feet as well. Thus no flood management permits are required. Also all improvements meet the 20-foot rear yard setback of the R-10 underlying zone.

The standards of CDC 29.080, which focus upon buffers, are met by the fact that the city owns a 60-foot wide forested and native vegetated corridor between the applicant’s lot and the river. It wil not be disturbed by the development. Thus the buffer requirement is met. The addition will not impact views currently enjoyed by the neighbors. If over 500 square feet of impervious surface is created then storm/rain runoff treatment is required. Please contact our building department at 65-4211 for more details on treatment.

Process

The applicant is responsible for submitting a Tualatin River Protection permit application deposit/fee, currently \$1,700. Staff bills hours against the deposit. The submittal requirements of CDC Section 29.110 must be addressed on a point-by-point basis. If some of this is

considered not applicable (N/A), the applicant may request a waiver of that code section in a letter addressed to the Planning Director. The letter must identify which code section is to be waived, and most importantly, why it should be waived or is not applicable. For example staff sees no need for a site plan (29.130) since one is provided with the building permit and no need for a grading plan (29.140) if no such modifications are proposed. The landscape plan can be addressed by showing native plant materials you plan to introduce once project is complete. For the architectural submission (29.150), elevations are required. Also identify the paint color and building materials to be used. Photographs of the existing house as seen from the river can also be helpful to the Planning Director to better understanding the circumstances. Erosion control is a necessary requirement of the actual construction and can be explained by the building department at the time you submit building plans.

The application must include full point-by-point response to the approval criteria of CDC Section 28.060. No waivers of the criteria are allowed; N/A is not an acceptable response. You must explain why the specific approval criteria are not applicable. (A simple one or two paragraph explanation of your proposal could be provided and the subsequently referenced in response to additional approval criteria as in “*see answer to approval criteria 1*”).

The City has 30 days to determine if the application is complete or not (most applications are incomplete). The applicant then has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, staff prepares public notice and schedules the decision date by the Planning Director. There is no public hearing. The Planning Director’s decision becomes final after 14 days if no appeals are filed. If it were appealed, it would then go to City Council. The City has a total of 120 days to exhaust all local review and appeals. Subsequent appeals go to LUBA.

Once approved, the applicant has three years to complete the addition and satisfy conditions of approval before approval lapses and is void.

- **Typical Tualatin River Protection Area applications can take 2-3 months from beginning to end.**
- **Please note that a code amendment is being submitted to City Council on September 22, 2008 which, if approved, would eliminate the need for a Tualatin River Protection permit based on the specifics of your proposal. That would save you time and money. Please contact staff next week regarding the status of those amendments.**

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Also, these pre-application notes have a limited shelf life in that as new code language is adopted, the feasibility of the application may diminish. The best way to “lock in” your application to current CDC standards is by applying as soon as possible.

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